

#7/AJ08
USSN: 09/721,543
4/20/02

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| Typed or Printed Name | Susan M. Alessi | | |
| Signature | <i>Susan M. Alessi</i> | Date | March 26, 2002 |

| RESTRICTION ELECTION | Attorney Docket | BERK-005 |
|----------------------|---|-------------------|
| | First Named Inventor | Liu <i>et al.</i> |
| | Application Number | 09/721,543 |
| | Filing Date | November 21, 2000 |
| | Group Art Unit | 1636 |
| | Examiner Name | Q. Nguyen |
| | Title: "Polynucleotide Ligands as Antiviral Agents" | |

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This response is responsive to the Restriction Requirement dated February 28, 2002, which set a one-month period for response.

Please amend the application as follows:

IN THE CLAIMS

✓
Cancel Claims 27-32.

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to allow claims 1-26, the currently pending claims. Claims 1-19 have been canceled, without prejudice to refiling.

Applicants respectfully elect the invention of Group I, claims 1-19 for further examination, and the Group (3), SEQ ID NOs:12-16, as a compound, with traverse. Applicants respectfully submit that the class of antiviral agents represent a generic claim, and that the election of SEQ ID NOs:12-16 should be an election of species in the group, not a separate invention.

A key determination in whether a generic claim is appropriate depends on the disclosure of a commonality of operation, function or effect. As stated in the present application, the family of antiviral agents set forth in the present claims have a common mechanism of function, through binding to virus and acting to decrease the infection of target cells by the virus. Therefore the compounds are properly examined as a genus, with an election of species.

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In view of the above remarks, Applicants respectfully request limitation of the restriction to the single genus of compounds, with election of the species, Group (3).

CONCLUSION

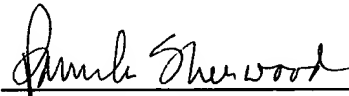
Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN096CIP.

Respectfully submitted,

Date: March 26, 2002

By:



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|---|---|---|------------------------|----------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 09/721,543 | |
| | | Filing Date | November 21, 2000 | |
| | | First Named Inventor | LIU, FENYONG | |
| | | Group Art Unit | 1636 | |
| | | Examiner Name | NGUYEN, QUANG | |
| Total Number of Pages in This Submission | | 3 | Attorney Docket Number | BERK-005 |
| ENCLOSURES (check all that apply) | | | | |
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group | | |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences | | |
| <input checked="" type="checkbox"/> Restriction Election | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) | | |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information | | |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter | | |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): | | |
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| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | | |
| Firm or Individual Name | PAMELA J. SHERWOOD, Reg. No. 36,677 | | | |
| Signature | | | | |
| Date | March 26, 2002 | | | |

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| Typed or printed name | Susan M. Alessi | | |
| Signature | | Date | March 26, 2002 |

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